Conference on Disarmament

8 March 2018

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Note Verbale dated 2 March 2018 from the Permanent Missions of New Zealand and Australia transmitting the text of the Auckland Declaration on Conventional Weapons Treaties

The Permanent Missions of New Zealand and Australia to the United Nations in Geneva present their compliments to the Office for Disarmament Affairs, in its capacity as the secretariat of the Conference on Disarmament, and have the honour to circulate the text of the Auckland Declaration on Conventional Weapons Treaties.

The Auckland Declaration was adopted at the conclusion of the Pacific Conference on Conventional Weapons Treaties, which was held in Auckland, New Zealand from 12 to 14 February 2018. The Conference aimed to take stock and advance the implementation of three treaties dealing with conventional weapons: the Arms Trade Treaty, 2013; the Convention on Cluster Munitions, 2008; and the Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction, 1997. Sponsored by the Governments of Australia and New Zealand, the Conference was attended by representatives of 14 Pacific States and benefitted also from participation by representatives from the Secretariat and Implementation Support Units of the three treaties.

The Permanent Missions of New Zealand and Australia to the United Nations in Geneva request that the attached Auckland Declaration on Conventional Weapons Treaties be registered and circulated as an official document of the Conference on Disarmament.

The Permanent Missions of New Zealand and Australia to the United Nations in Geneva avail themselves of this opportunity to renew to the Office for Disarmament Affairs, in its capacity as the secretariat of the Conference on Disarmament Permanent Missions to the United Nations, the assurances of their highest consideration.

Auckland Declaration on Conventional Weapons treaties

12–14 February 2018

Auckland, New Zealand

1. Pacific countries[1] met in Auckland from 12–14 February 2018 in order to take stock and advance the implementation of three treaties dealing with conventional weapons: the Arms Trade Treaty, 2013; the Convention on Cluster Munitions, 2008; and the Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on

[1] Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Palau, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

their Destruction, 1997. All three treaties are of significance to the global community and to our own region for humanitarian, security and for development-related reasons.

2. New Zealand's Parliamentary Under-Secretary for Foreign Affairs, Fletcher Tabuteau, welcomed delegates to Auckland. The meeting was sponsored by Australia and New Zealand, and assisted by representatives from the three Geneva-based treaty secretariats (the Arms Trade Treaty Secretariat and the Implementation Support Units for the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention), whose presence in the region was welcomed by all participants. The meeting was also assisted by representatives of the International Committee of the Red Cross (ICRC) and civil society. The programme for the meeting and its list of attendees is attached.

The Arms Trade Treaty (ATT)

3. The Arms Trade Treaty establishes international standards to regulate the trade in conventional arms and to forestall the diversion of arms into the illicit market. It aims to reduce human suffering and to advance peace, security and stability (including through preventing transnational crime and terrorist acts). In view of the humanitarian consequences of the unchecked trade in weapons and ammunition, the ATT's requirements to strengthen transfer controls and prevent the diversion of arms have a direct contribution to make to Forum Leaders' vision of the Pacific as a region of peace, harmony, security and economic prosperity. It has the potential to be one of the most important normative developments of our time.

4. There are as yet only four States Parties in the Pacific but there is considerable interest in the Treaty and a number of states have ratification or accession processes underway. Few Pacific Island states export arms but the region is vulnerable to the diversion of arms. There is a general determination that the region not be a hub for the illicit trade in small arms and a desire to lend weight to international efforts to universalise the Treaty. A range of priorities compete for scarce resources in our region — but just as the Pacific expects the international community to commit to global issues such as climate change, the region acknowledges the need to commit also to other security issues with a dominant humanitarian focus.

5. Conference participants were aware of the recent Australia-funded study on the broader benefits of the ATT, produced by the Centre for Armed Violence Reduction, which outlines the linkage between the Treaty and the attainment of the Sustainable Development Goals (SDGs). Implementation of the ATT would contribute significantly to the SDGs by underpinning achievement of many of its 17 goals.

6. Conference participants accepted the merits of a region-wide approach to ATT adoption and implementation and suggested that the enhanced (comprehensive "Biketawa Plus") Pacific security declaration, currently under discussion in the region, should be used to promote take-up of the Treaty by highlighting its role in advancing security for sustainable development. This could assist in building political will to support increased participation by Pacific states.

7. Many Pacific states do not have national control systems and transfer processes in place in their jurisdictions and accordingly membership of the ATT has resource implications. Other impediments to wider participation include capacity constraints; challenges in the context of border security; limitations to data collection and maintenance of records; and, in some jurisdictions, the need for legislation. Conference participants appreciated the tangible offers of assistance in surmounting these obstacles which were conveyed by the ATT Secretariat; the Japanese Presidency of the Fourth Conference of States Parties; the German Chair of the Voluntary Trust Fund Selection Committee; the Regional Legal Adviser of the International Committee of the Red Cross (ICRC); the Director of Control Arms; the Team Leader of the Arms Unit of Saferworld; and the Director of Arms Control of the Centre for Armed Violence Reduction.

8. Participants were also encouraged to attend forthcoming ATT meetings and to make use of the existing assistance tools including the New Zealand-sponsored ATT Model Law and Model National Control List as well as a range of online resources.

The Convention on Cluster Munitions (CCM)

9. Motivated by principles of humanity and concerned at the extent of civilian suffering caused by these weapons, the CCM put in place a comprehensive prohibition on cluster munitions. Although few states in the Pacific have had direct experience with cluster munitions, the region has a role to play in adding its voice to the global effort to strengthen the norm against these inhumane weapons and to increase their stigmatisation.

10. There are at present only seven States Parties to the CCM in the Pacific. This is a reflection of the fact that a number of States in the region have resource constraints and competing priorities. Resource constraints have also meant that some States Parties have had difficulties in meeting their reporting timelines.

11. Nonetheless the region accepts the clear moral and humanitarian rationale for joining the CCM and the Convention's resonance with the region is reflected in Pacific states voting in favour of each of the United Nations General Assembly resolutions promoting adherence to it. Pacific states are also aware of the long-term harm caused by the previous use of cluster munitions in some neighbouring Asian states and accept that Pacific membership of the Convention sends an important message of solidarity with the broader region.

12. Several States Parties undertook to review the need for domestic implementing legislation and also committed to meeting their reporting obligations over the coming weeks. Some states not yet party to the Convention undertook to positively consider membership of it. Those Pacific states affected by unexploded ordnance (UXO) also expressed an interest in exploring possible synergies between the Convention and existing efforts to address challenges related to UXO contamination (including through the Pacific Islands Forum and a range of bilateral partnerships).

13. Discussion highlighted the availability of a number of CCM-related tools and resources (including the CCM Model Laws circulated by the ICRC and also by New Zealand; the ICRC's ratification toolkit; and the Sponsorship Programme which facilitates attendance at the annual Meeting of States Parties to the Convention in Geneva) as well a range of internet resources. Participants welcomed offers of assistance from the Implementation Support Unit (ISU) of the CCM, the ICRC and civil society (including the Cluster Munition Coalition). New Zealand, as Coordinator for National Implementation Measures, offered to follow up its Model Legislation by providing expert legal assistance to any Pacific state which would find this useful in implementing the CCM.

The Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction (AP Mine Ban Convention)

14. Determined to put an end to the widespread suffering and casualties caused mostly to innocent and defenceless civilians, the AP Mine Ban Convention adopted a comprehensive prohibition against anti-personnel landmines. Fortunately, the Pacific is free of anti-personnel mines and there is very wide support in the region for this longer-standing Convention and its humanitarian objectives.

15. Reflecting the region's desire to show global solidarity with affected states around the world and to help build momentum towards a truly universal norm against these inhumane weapons, all but three Pacific states are party to the AP Mine Ban Convention. However, competing priorities and resource constraints have meant that a number of these States Parties have yet to enact domestic implementing legislation and some are behind in the fulfilment of their reporting obligations.

16. Noting the welcome assistance that had been offered by the AP Mine Ban Convention Implementation Support Unit, several States Parties committed to fulfilling their outstanding reporting requirements as soon as possible. A number of other States Parties undertook to review the need for domestic implementing legislation, with some indicating an intention to look into the application of the model law prepared by the ICRC. Some States not yet party to the AP Mine Ban Convention undertook to promote membership among relevant domestic stakeholders. Participants also took note of the availability of a number of AP Mine Ban Convention-related tools and resources, including those produced by the AP Mine Ban Convention ISU, the ICRC and civil society (including the International Campaign to Ban Landmines).

United Nations Programme of Action on Small Arms and Light Weapons (PoA)

17. The illicit trade in small arms is one of the most pressing security and humanitarian challenges facing the international community. The PoA, adopted in 2001, established a political framework for addressing this issue at the national, regional and global levels. It aims to reduce armed violence and make communities better able to pursue sustainable development.

18. Although the PoA has struggled to live up to expectations of it at the time it was adopted, the Pacific region has important interests to pursue within the process. The 3rd Review Conference on the PoA will be held in New York from 18 to 29 June 2018 and will provide an important opportunity to reinvigorate collective efforts to combat the illicit trade in small arms. Issues to be addressed at the Review Conference include: emerging technologies (such as those relating to the manufacture of weapons — e.g. 3D printing and polymer frames); the prevention of the conversion and reactivation of weapons; best practices to ensure irreversible deactivation; and better means of preventing diversion.

19. The Pacific Conference on Conventional Weapons Treaties took the opportunity therefore to learn from experts and share initial views regarding the PoA review process. Expert panellists emphasised that the Review Conference provides an opportunity to recommit to the PoA process; to share information on small arms challenges and to identify opportunities to advance on new PoA-related issues to confront the global community. It is also an opportunity to consider some of the synergies between the PoA and the ATT and to further promote transparency in the arms trade.

20. Participants undertook to review their national positions on the PoA in the lead-up to the Review Conference. Forum members agreed to stay in close touch during the review process in New York and at the Review Conference.

21. Relevant information on the PoA together with the recent "Outline of Elements" provided by the Review Conference Chair can be found at the website of the United Nations Office for Disarmament Affairs (www.un.org/disarmament/convarms/revcon3/).

Annex

Challenges to ATT ratification/implementation and strategies identified by participants to address them

1. The need for political will (in order to give priority to the ATT and recognise its relevance to the region).

Strategies to overcome / assistance required:

(i) Elevate ATT to the sub-regional and regional levels: for example, retain a reference to it in the Outcomes Document of the Melanesian Spearhead Group; and address the ATT at the Pacific Islands Forum Leaders meeting and other high-level regional meetings;

(ii) Promote awareness of linkages between the ATT and broader international commitments, notably the Sustainable Development Goals (including but not limited to Goal 16.4);

(iii) Highlight the ways in which the ATT can support efforts to reduce armed violence in the Pacific.

2. Capacity constraints including financial, technical and human resources (eg. with regard to database and information management, legislative gaps, border security and enforcement challenges).

Strategies to overcome / assistance required:

(i) Invite country visits from regional counterparts to share expertise, and from civil society experts;

(ii) Utilise informal networks of experts and counterparts in Pacific region (for example, email distribution list);

(iii) Seek assistance (for example, with legislative gap analysis and technical capacity building) from available sources including the ATT Voluntary Trust Fund, United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), the European Union, and the United Nations Development Program (UNDP);

(iv) Raise awareness of and utilise existing tools including the ATT Model Law and Model National Control List;

(v) Carry out legislative gap analysis;

(vi) Address turnover of personnel by arranging broader participation in ATT activities by interested agencies and ensure succession planning and record-keeping.

3. Lack of awareness, including among general population /civil society.

Strategies to overcome / assistance required:

(i) Reach out to civil society partners and networks to share information on objectives and content of ATT;

(ii) Disseminate relevant promotional publications, including the Centre for Armed Violence Reduction (CAVR) study regarding the broader benefits of the ATT

ATT-related commitments

- Participants agreed to share the outcomes of the Pacific Conference on Conventional Weapons Treaties with relevant national stakeholders and to pursue those strategies that may help address domestic challenges to ratification and implementation of the ATT
- Participants agreed to consider and pursue opportunities to elevate the ATT in regional and sub-regional fora, including at Pacific Islands Forum Leaders' Meetings; and at the Pacific Islands Leaders Meeting (PALM8) which will be hosted by Japan from 18–19 May 2018
- Participants agreed to seek a reference to the advantages of joining and implementing the ATT in the enhanced (comprehensive "Biketawa Plus") Pacific security declaration currently under discussion in the region
- Participants agreed to the circulation of contact email addresses in order to establish an informal ATT network to share information and to be able to request support from counterparts in the Pacific
- Several participants expressed an intention to pursue awareness-raising activities at various levels:

  - Kiribati indicated an interest in raising awareness of the ATT amongst its Cabinet members
  - Papua New Guinea highlighted its intention to build knowledge of the ATT among its population
  - Tonga proposes to make recommendations on the way forward towards ATT ratification
- Several States are undertaking Cabinet/Parliamentary processes to seek approval for ratification and will continue to pursue these processes:
  - Fiji proposes to advance necessary consultations leading to the final ratification of the ATT
  - Papua New Guinea has submitted a paper to its National Executive Council with the hope that it will be considered by the end of 2018
  - Vanuatu has prepared a draft Cabinet paper to be finalised and submitted to Cabinet following completion of consultations. It expects ratification by the end of 2018.
  - Palau is in the process of drafting its Cabinet paper and legislative policy and intends to ratify the ATT by the end of 2018
- Several States (Solomon Islands, Fiji, Palau and Vanuatu) are working with civil society members (CAVR, Pacific Small Arms Action Group (PSAAG)) to conduct gap analyses, and will attempt to leverage off these products to build political support and awareness
- Some States expressed interest in applying for sponsorship for attendance at 4th Conference of States Parties to the Arms Trade Treaty (CSP4) which is being held in Japan from 20–24 August 2018
- Some States expressed interest in applying for Voluntary Trust Fund (VTF) funding via the ATT Secretariat (sarah.parker@thearmstradetreaty.org)